

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>JOHN L. LEGRAND,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>DR. MARY CARPENTER, Medical Director, in her individual capacity; DAN SULLIVAN, Warden of Sioux Falls Prisons, in his individual capacity; DR. AARON HAYNES, in his individual and official capacity; KELLIE WASKO, Secretary of Corrections, in her official capacity; DR. MARK RECTOR, in his individual and official capacity; and AMBER PIRRAGLIA, in her official capacity.</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">4:22-CV-04168-CCT</p> <p style="text-align: center;">ORDER ON PLAINTIFF’S REQUEST FOR COPIES</p>
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Plaintiff, John L. LeGrand, an inmate at Mike Durfee State Prison (MDSP), filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Docket 1; Docket 126. LeGrand requests “All Documents Pertaining to this Action To Include Briefs, Responses, Objections and All Ex Parte Coorespondences [sic] between the court and Defense Counsels with the South Dakota Attorney Generals Office and Those Documents which Supports the Recusal of Hon. Schreire [sic] and Assignment of Magistrate Theeler.” Docket 134 at 1.

In support of his request, LeGrand asserts that the “electronical filing notice . . . allows pro se litigants one free copy of the electronical file and

docket.” *Id.* (capitalization in original omitted). In the District of South Dakota, pro se inmates are not permitted to file electronically and do not receive notices of electronic filings. Rather, all parties must serve by mail on pro se inmates copies of their pleadings, briefs, motions, and other electronically filed documents. *See* Fed. R. Civ. P. 5(b)(2)(C).

The District of South Dakota’s website includes a Pro Se Litigant Registration Form for Electronic Notice.¹ By signing and submitting the registration form, a pro se litigant agrees to specified terms and conditions, including:

[T]o receive a Notice of Electronic Filing (NEF) email whenever a document is filed in one of my case(s). I understand I will have one opportunity to view the document for free by clicking *once* on the document number hyperlink contained in the NEF. After that, I understand I will be charged an applicable PACER access fee for viewing the document.

But the pro se litigation registration form LeGrand references expressly states that it “is intended for non-prisoner pro se litigants who want to receive electronic notice when documents are filed in their pending case(s) in U.S. District Court in the District of South Dakota.” The District of South Dakota’s CM/ECF (Case Management/Electronic Case Files) User Manual and Administrative Procedures, which is available on the District of South Dakota’s website,² also demonstrates that LeGrand’s request for a copy of each of the 136 docket entries in this case is misplaced:

¹ <https://www.sdd.uscourts.gov/prosenefreg> (last visited Feb. 3, 2025).

² <https://www.sdd.uscourts.gov/sites/sdd/files/CM-ECF%20User%20Manual%2050.pdf>, at 30 (last visited Feb. 3, 2025).

When most documents are filed in CM/ECF, a Notice of Electronic Filing (NEF) is automatically generated and sent to the appropriate case participants. This is known as electronic notice and constitutes service on . . . those non-prisoner pro se parties who have registered to receive service of documents in accordance with the federal rules of procedure and the local rules of practice of this district court. . . . If a document was filed, provided it is not restricted, the *first time* a recipient of a NEF email clicks on the active document number hyperlink contained in the NEF email, the email recipient can look at the document and any attachments for free. . . . One-time free access to the filed document (and any attachments) expires 15 days after receipt of an NEF email.

In this case, defendants' filings all include certificates of services confirming that defendants served a copy of the filing on LeGrand in accordance with the applicable rules. Initially, all the court's orders were mailed to LeGrand at the South Dakota State Penitentiary because that is the address LeGrand provided in his complaint. Docket 1 at 1, 8. Since LeGrand provided notice of a change in address, *see* Docket 126, all the court's orders have been mailed to LeGrand at MDSP.

Simply put, LeGrand is not eligible and has not completed and submitted a registration for notice of electronic filing. Thus, his request for one free copy of all electronic filings, Docket 134, is denied. As discussed above, LeGrand has received, via mail, copies of all the defendants' filings and the court's orders.

LeGrand's request mistakenly states that the Honorable Karen E. Schreier entered an order recusing herself. This is not correct. After two new United States District Court Judges for the District of South Dakota were confirmed and sworn in, some of Judge Schreier's cases, along with some of the other district court judges' cases, were reassigned to the newly appointed judges. Because this case was identified as one of the cases that would be

reassigned to the Honorable Camela C. Theeler, Judge Schreier entered an order reassigning the case. See Docket 89. The reassignment order does not state that Judge Schreier recused herself, and Judge Schreier did not enter a recusal order. Contrary to LeGrand's assertion, there has been no ex parte correspondence, communication, or filings by the South Dakota Attorney General's Office regarding the assignment of this cases to the undersigned or any other matter.

Thus, for these reasons, it is ORDERED:

1. That LeGrand's request for copies (Docket 134) is denied.
2. That the Clerk of Court will send to LeGrand an updated docket sheet and another copy of Judge Schreier's Text Order Reassigning Case (Docket 89).
3. That LeGrand may request that the Clerk of Court provide him copies of specific docket entries, but the court will not direct that the Clerk of Court provide a duplicate of any document that LeGrand has filed or that has been served on him by mail unless he demonstrates good cause.

DATED February 6, 2025.

BY THE COURT:

/s/ Camela C. Theeler
CAMELA C. THEELER
UNITED STATES DISTRICT JUDGE